

Austin: 1418 (NH. -only)

N.Y. State

14.-



AN ACT
TO PROVIDE AGAINST INFECTIOUS
AND PESTILENTIAL DISEASES.



Passed March 26, 1813.



65-5086

AN ACT, &c.



1. *Be it enacted*, by the people of the State of New-York represented in Senate and Assembly, that there shall continue to be a Health Office in the City of New-York, under the superintendence of the Board of Health, and three Health Commissioners, who shall be ex-officio members of the said Board, which Commissioners shall consist of a Health Officer who shall reside at Staten-Island from the fifteenth day of April to the first day of November, and the remainder of the year at the City of New-York, and perform all the duties enjoined on him by this act; of a resident physician, who shall reside in the City of New-York, whose duty it shall be to visit all sick persons who may be reported to the Board of Health, or to the Commissioners, conformable to the seventeenth section of this act, and of a Health Commissioner, whose duty it shall be to take charge of the receipts and disbursements of all monies appropriated to the use of the Marine Hospital establishment, for the due performance of which, he shall execute a bond to the people of this state, with one or more sureties, in the sum of five thousand dollars, which bond shall be taken and approved by the Mayor or Recorder of said city. *And further*, it shall be the duty of the said resident Physician and Health Commissioner to meet daily at the Health Office, from the 31st day of May to the 1st day of October in each year, with one or more members of the Board of Health, for the transaction of official business; and they shall further perform all other duties required of them by this act; That the said Commissioners shall be appointed by

the person administering the government of this state, by and with the advice and consent of the Council of Appointment. *Provided however*, that the persons heretofore appointed as Commissioners aforesaid, may continue in their respective offices until others shall be appointed in their stead: *And provided further*, that it shall be lawful for the Mayor, or in his absence the Recorder of the City of New-York, in case of the death or resignation of any of the said Commissioners, to appoint a suitable person to supply such vacancy, until the sense of the Council of Appointment shall be declared thereon.

2. *And be it further enacted*, That all vessels arriving in the port of New-York, from any port, island or other place in Asia, Africa, the Mediterranean, America, lying South of Georgia, or from any West-India, Bahama, or Bermuda Island, and all vessels from foreign ports, having on board forty or more passengers, or on board of which vessel any person shall have died, while at a foreign port or on the homeward passage, or shall have been sick on the homeward passage, shall anchor at the place assigned for quarantine, and be subject to the examination of the Health Officer, at any time in the year, under the regulations herein prescribed; and that all vessels arriving in the port of New-York from any port, island or other place in the United States, South of Cape Henry, between the 31st day of May and the 1st day of October in any year, shall anchor at the place assigned for quarantine, and shall be subject to the examination of the Health Officer, and to such regulations as may be deemed expedient by him: and that any master or commander of a vessel offending in the premises, shall be considered as guilty of a misde-

meanor, and on conviction thereof, shall for each offence be fined by any court having cognizance of the same, in a sum not exceeding two thousand dollars, or be imprisoned for a term not exceeding twelve months.

3. *And be it further enacted,* That whenever a vessel shall arrive at the anchoring place for vessels at quarantine, from a place where yellow or other pestilential fever prevailed at the time of her sailing thence or, if during her voyage any person has died or been sick on board with such fever, the master, owner, or consignee, shall forthwith, upon the requisition, and under the direction of the Health Officer, cause such vessel to be unloaded, cleansed, and purified, and that until then, no permit shall be granted for her to proceed to the City of New-York : and that every vessel under the above circumstances, arriving between the thirty-first day of May and the first of October, shall be detained at least thirty days at quarantine after her arrival, and twenty days after her whole cargo has been discharged, and every part of the inside of such vessel thoroughly white-washed, except such parts as may be painted or varnished, which shall be cleansed as the Health Officer may direct, during which time the said vessel shall be as often white-washed as the Health Officer shall judge requisite, but not less than three times, and four days intervening between each time, and wind-sails shall be constantly kept in each hatchway, the weather permitting : and it shall be the duty of the Health Officer, whenever he shall judge such vessel to be clean, safe, and free from infection, to report her and her ballast to the Board of Health, who shall be authorised to give further directions concerning her and no part of the cargoes of such vessels shall be conveyed to the City of New-York without a per-

mit in writing from the Health Officer : nor shall any of the crew (except the captain under certain restrictions, as the Health Officer may direct) or passengers of the aforesaid vessel be permitted to go to the City of New-York, until twenty days after the last death or sickness of the yellow or pestilential fever, which has occurred on board, or until twenty days after such vessel shall have sailed from any port where a pestilential fever prevailed at the time of her departure : and every master, owner, or consignee, neglecting or refusing to comply with such requisition of the Health Officer, shall be considered guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding two thousand dollars, or be imprisoned for a time not exceeding twelve months by any court having cognizance thereof. *Provided* that all vessels, which may remain at quarantine on the first day of October, shall be subject to the same restrictions, which are directed for those vessels which arrive on and after that day.

4. *And be it further enacted*, That all vessels arriving in the port of New-York, from any place in the West-Indies, in America, South of St. Mary's in Georgia, and north of the Equator, from the coast of Africa, (except the Cape of Good Hope) between the thirty-first day of May and the first day of October in any year, shall remain at quarantine not less than four days after their arrival : and that no intercourse shall be permitted, during that period, between the crew or crews of said vessels and the City of New-York, unless under such restrictions as shall be prescribed by the Health Officer ; during which time the said vessel shall be cleansed and ventilated, and the clothing and bedding of the crew and passengers washed and aired ; but all passengers arriving in those vessels and permitted by the Health

Officer to go to the City of New-York, shall daily report themselves to one of the Commissioners of the Health in the City of New-York, for the first four days after their arrival, should they so long remain in the city ; and that the afore-mentioned vessels shall moreover remain at the quarantine ground for a longer term than the aforesaid four days, if, in the opinion of the Health Officer it shall be proper ; and after such vessel shall be permitted to proceed by him, they shall not approach within three hundred yards of that part of the Island of New-York, which lies Southward of a line drawn from Bank-street on the North-River, and Stuyvesant's Dock, on the East-River ; but nevertheless, if the owners or consignees of any such vessel shall choose to discharge the whole or any part of said cargo, the same, if sound and proper to be discharged, may be unloaded or discharged by boats or lighters subject to the regulations of the Commissioners of Health, and the said vessel or vessels being unloaded of her or their cargoes, and the master or owner of such vessel or vessels being desirous of bringing her or them to the dock, they shall make application to the Commissioners of Health, who shall send a trusty person to see said vessel, and her ballast properly cleansed, for which duty he shall be paid by the master or owner of said vessel, the sum of five dollars, and when he shall report the same to be so, they may then direct such vessel or vessels, to such wharves as they may deem proper, and that every master, commander, consignee, or passenger of any vessel offending against the provisions of this section, shall be considered guilty of a misdemeanor, and shall for every such offence be fined in a sum not exceeding one thousand dollars, or be imprisoned for a time not exceeding six months.

5. *And be it further enacted,* That all vessels arriving in the port of New-York from any port, island or other place in the Mediterranean, in Asia, (except Canton and Calcutta) in America, south of the Equator, or from the Madeira, Canary, Cape de Verd, Bermuda, or Bahama Islands, between the thirty-first day of May and the first day of October in any year, shall remain at least two days at quarantine for the purpose of cleansing and ventilating and for such longer time as the Health Officer may judge proper: who, when the vessel is permitted to proceed to the city, shall determine to what wharf in the said city she may be permitted to come: *Provided,* that such vessel coming from the above mentioned places, shall not have been at any of the places described in the section immediately preceding, after the fifteenth day of May then next preceding. *And further,* that all vessels bound to a place Eastward of the said city and beyond this state, may, under any circumstances, be permitted to proceed through the sound, without coming to anchor near the said city, or holding any intercourse with it; and that every master, commander, owner, or consignee of any vessel, offending in the premises shall be considered guilty of a misdemeanor, and shall for every offence, be fined in a sum not exceeding two thousand dollars, or imprisoned for a time not exceeding twelve months.

6. *And be it further enacted,* That all coasting vessels on board of which a person or persons may have died or been sick of malignant, yellow or pestilential fever, shall, after having their cargoes discharged and been properly cleansed be reported as such to the Board of Health, who may permit such vessels to come to the wharves of the city, if they judge them safe.

7. *And be it further enacted,* That it shall be lawful for the Governor of this state, or in his ab-

sence the Mayor of the City of New-York, or in the absence of both of them, the Recorder, of the said city from time to time, whenever it shall appear adviseable to issue his order declaring what other vessels than such as are before, designated in this act, shall be subject to quarantine, that in like manner it shall be lawful for him to issue his proclamation prohibiting or regulating the intercourse by land and ferries between the City and County of New-York, and any other place where he shall learn that a pestilential or infectious disease doth prevail; and that all persons offending in the premises shall be liable to punishment as for a misdemeanor by fine and imprisonment, at the discretion of the court having cognizance thereof: and moreover it shall be lawful for the said Commissioner of Health to cause any vessel subject to quarantine, which before she shall have been so visited, examined and reported as aforesaid, shall be brought to anchor elsewhere in the port of New-York than at the quarantine ground, and also all other vessels, which in the judgment of the Health Officer, or any of the said Commissioners, there shall be reason to believe are infectious, or shall have on board articles suspected of containing infectious matter, whether brought from foreign countries or generated or accumulated on board, to be removed to, and brought to anchor at the anchoring place for vessels at quarantine, and to cause all persons, articles or things which may have been landed, to be seized and arrested, and to be returned forthwith on board such vessel, or removed to the said hospital. And it shall be further lawful for them to cause all persons, who shall come into this state contrary to the prohibitions and regulations in such order or proclamation as aforesaid, to

be apprehended, and if well, to be conveyed to the vessel or place whence they last came ; and if sick to be removed to the said hospital.

8. *And be it further enacted,* That no vessel subject to the examination of the Health Officer, shall approach the city of New-York, beyond the place assigned for quarantine, without a written permit for that purpose from him ; and that the master or commander of every such vessel arriving at the city of New-York, shall within twenty-four hours after such arrival, deliver such permit to the Commissioner of Health, or to such person as he shall direct : and every master or commander neglecting or refusing to comply with either of these directions, shall, for every such offence, be considered guilty of a misdemeanor, and on conviction thereof, shall be fined by any court having cognizance thereof in a sum not exceeding two hundred dollars, or be imprisoned for a term not exceeding twelve months.

9. *And be it further enacted,* That quarantine shall continue for such time as to the Health Commissioners shall seem proper ; and no vessel otherwise subject to quarantine, shall be exempted therefrom by reason of having previous thereto entered into any of the ports of the United States, unless such vessel shall have discharged all her cargo and been well cleansed, and remained at least twenty days after unlading the whole of her cargo in some one of the aforesaid ports : and the several branch pilots and their deputies belonging to the port of New-York, shall use their utmost endeavours to hail every vessel coming into the said port from sea, and shall ask and demand of the master or commander of any such vessel whether any person has died on board, or any person has been sick on the passage, or if any pestilential fever existed amongst the inhabitants of the port whence

she sailed; and on being answered in the affirmative to any of the said questions, shall immediately give notice to the master or commander of such vessel that he and his vessel, crew, passengers and cargo, are subject to quarantine; and shall forbid them to proceed further than the anchorage assigned for quarantine, and shall direct him to anchor his vessel there, and to remain there until he shall receive further directions from the Health Officer, or in his default from the governor of this state, or in his absence from the mayor or recorder of the aforesaid city: and all such commanders of vessels are strictly forbid from putting on shore any person, who shall have belonged to or performed the voyage in such vessel, and from unloading or putting on board any boat or vessel, any person or persons, clothing, goods, merchandize or freight, from or out of his vessel, until directions to that effect shall be given him pursuant to this act; and every master or commander of any vessel, who shall give false information relative to the condition of his vessel, crew, passengers, freight or cargo, or the health of the place or places whence she came, when hailed by any pilot, or shall notwithstanding being forbid by such pilot, bring his vessel nearer the city than the ground assigned for quarantine, or land any passenger, or unlade any of his cargo, shall be considered guilty of a misdemeanor and on conviction thereof, shall be fined by the court having cognizance of the same, in the sum of two hundred dollars for each offence; and every passenger or any other person on board such vessel, departing therefrom or unlading any of the cargo thereof, without leave first obtained from the officer aforesaid, shall be considered guilty of a misdemeanor, and be punished, if convicted, in like manner as the master and commander last mentioned,

10. *And be it further enacted*, That it shall be the duty of every pilot, who conducts a vessel into the port of New-York, to take care that no violations of this act are committed by any person on board; and if any such are committed and not reported by such pilot to the Health Officer as soon as may be, such pilot shall be considered as guilty of a misdemeanor and shall be fined in a sum not exceeding two hundred dollars: *And further*, that it shall be the duty of every such pilot, to deliver such printed extracts from this act, as shall be entrusted to him by the Health Officer for that purpose, to every master of a vessel piloted by him into the port of New-York; and that every pilot for neglecting or refusing so to do, shall be deemed guilty of a misdemeanor, and punishable as last aforesaid.

11. *And be it further enacted*, That it shall be lawful for the Health Officer, and he is hereby authorised and required without delay, to enter on board of every vessel coming into the port of New-York under the circumstances aforesaid, and there to make strict search, examination and enquiry, as to the health of the officers, seamen and passengers, and into the state and condition of the vessel, her cargo and contents respectively, and in order that he may be more effectually enabled to make examination whether vessels ought to be subject to quarantine, it shall be lawful for him to put all such questions to the persons on board as he may judge needful and proper to that end; and the persons, to whom such questions shall be put, may be required to answer the same on oath, which oath he is hereby authorised to administer accordingly; and every person swearing falsely in the premises, shall be liable to the pains and penalties of wilful and corrupt perjury; or if any person shall oppose or obstruct the Health Officer in performing the du-

ties required of him by this act, he shall be considered as guilty of a misdemeanor, and shall be fined in a sum not exceeding five hundred dollars.

12. *And be it futher enacted,* That if any person shall go on board or have any communication or dealing with any vessel lying at the quarantine, without permission first obtained in writing, with the signature of the Health Officer, he shall be considered and adjudged guilty of a misdemeanor, and be detained at the quarantine, as long as the Board of Health shall direct, not exceeding twenty days, unless such person be sick and it is proper to detain him longer for that cause; and it shall be the duty of the Health Officer to give immediate information of every such transgression, with the circumstances attending the same, and also of the condition of such vessel to the Board of Health, that they may be enabled to determine how long the offender shall remain at the quarantine ground; and if such person, or any other person put under quarantine by virtue of this act, should leave Staten Island after being informed by the Health Officer that he is so put under quarantine, it shall be lawful for any justice of the peace for the city and county of New-York, who upon examination of the case, may order and direct such officer to convey such person to the quarantine ground aforesaid, to be there confined by the Health Officer, or by such persons as he shall direct for the remainder of his quarantine. *And further,* that every person transgressing as aforesaid, shall forfeit the sum of five hundred dollars to be recovered by the Health Commissioners, or any one of them, in his or their own names, in any court having cognizance thereof. *And further,* that it shall be lawful for the Board of Health or Health Officer, to take a bond from any person put under quarantine, in the name of the Health Officer,

with one or more sureties, and in a sum not less than five hundred dollars, nor more than two thousand dollars, conditioned that such person shall not, during his time of quarantine, approach nearer the City-Hall of the said city of New-York than the distance of three miles : and in case such bond be forfeited, the same may be put in suit and recovered by the said Health Commissioners, or any one of them, for the benefit of the said marine hospital.

13. *And be it further enacted,* That no boat from any outward or inward bound vessel, shall land at the quarantine ground after sun-set, nor shall boats of any description at any time, pass through the range of vessels lying at quarantine, without the permission of the Health Officer ; and that any person offending against any of these directions, shall be considered as guilty of a misdemeanor, and shall be fined in a sum not exceeding fifty dollars.

14. *And be it further enacted,* That if the master, owner, or consignee of any vessel arriving in the port of New-York, shall neglect or refuse to move such vessel to the place and in the time required by the Health Commissioners, it shall be the duty of the said Commissioners, and they are hereby empowered to cause the same to be done at the expense and risque of such master, commander, owner, or consignee ; and the monies so expended shall be recoverable by the said Commissioners, with costs, by an action on the case in their own names against such master, commander, owner, or consignee, in any court having cognizance thereof.

15. *And be it further enacted,* That every person keeping a boarding or lodging house in the city of New-York between the thirty-first day of May and the first day of November in any year, shall within twelve hours after any sea-faring man or sojourner shall become sick in such boarding or lodging

house, report in writing the name of such diseased person to one of the Health Commissioners or to the Board of Health: and that no master of a vessel or any other person whatever shall, between the days aforesaid remove any sick person from any vessel lying at any wharf, or in harbour of the city of New-York, before the name of such sick person has been reported to the Health Office, and a written permit granted for the purpose of such removal: and that any person neglecting or refusing to comply with either of these directions shall be considered guilty of a misdemeanor, and be fined in a sum not exceeding one hundred dollars, or be imprisoned for a time not exceeding six months, by any court having cognizance thereof.

16. *And be it further enacted,* That cotton in bales, which is the produce of any part of the United States or the territories thereunto belonging, shall not be brought into the city of New-York, south of a line commencing at Spring-street, on the North River, running from the same to the Bowery, and thence down the Bowery to Grand-street, through Grand-street to Walnut-street, through Walnut-street to the East River, between the thirty-first day of May and the first day of October in any year. And further that no such cotton arriving, which, in the opinion of the Board of Health or Health Officer, may be dangerous to be brought into the city, from death or sickness of malignant fever occurring on board vessels having the same on board, or from a pestilential fever prevailing at the place whence such vessel sailed: and no damaged cotton of any kind, nor any cotton from foreign ports shall be brought into the city of New-York, during the period aforesaid, but shall be landed at the public stores at the quarantine ground; nevertheless, it may be put on board outward bound

vessels lying in the stream, (at least three hundred yards from the wharves of the city) which vessel shall not again approach nearer the said wharves with the said cotton on board under the penalty of the said cotton being seized and sold by the Health Commissioners for the benefit of the marine hospital; and that all hides arriving in the port of New-York, between the thirty-first day of May and the first day of October in any year, shall be discharged at the quarantine ground and if in a sound state, may be taken to any place in said city north of said line beginning at Spring-street on the North River, and along said street to the Bowery, and from thence down the Bowery to Grand-street and through Grand-street to Walnut-street, and through Walnut-street to the East River; but it shall be lawful to bring sound hides and sound cotton the produce of the United States or territories thereof from the quarantine ground or other places of deposit, by water only, to be immediately taken on board of vessels, while lying at any of the wharves of said city, for exportation or transportation out of the said city, provided that they are not reloaded therefrom in said city contrary to this act; and should either of the above articles be brought into said city contrary to the true intent and meaning of this act, they shall be seized and sold by the Health Commissioners, for the benefit of the marine hospital: *And further*, that no lighters shall be engaged to receive the cargoes of vessels discharged at quarantine but those permitted by the Health Officer.

17. *And be it further enacted*, That every person practising physic in the said city, who shall have a patient labouring under malignant, yellow, pestilential or infectious fever, shall forthwith make a report in writing to some one of the said Health

Commissioners, and for neglecting so to do, he shall be considered as guilty of a misdemeanor, and be fined in a sum not exceeding fifty dollars.

18. *And be it further enacted*, That all persons in the city of New-York, not being residents thereof, sick of a pestilential fever, and all things within the said city, which, in the opinion of the Health Commissioners, shall be infected by or tainted with pestilential matter and ought to be removed from the said city, shall, by order of the said Commissioners, be sent to the Marine Hospital.

19. *And be it further enacted*, That all persons removed to the said Marine Hospital, other than those who have paid hospital money, shall be liable to pay a reasonable sum for their board, medicine and attendance therein; and if any of them deemed to have sufficient means, shall refuse or neglect to pay such sum as they may be reasonably charged with, the same shall be sued for and recovered from them by the said Commissioners, by an action on the case in their own names.

20. *And be it further enacted*, That the hospital erected on the easterly part of Staten-Island shall continue to be denominated the Marine Hospital, and shall together with the other buildings and improvements made or to be made thereon by the said Commissioners, with the approbation of the person administering the government of this state, or in his absence the Mayor of the said city, and the land adjoining the same, and belonging to the people of this state be holden by the Health Commissioners, in trust for the use of the people of this state and the purposes specified in this act. And all vessels subject to quarantine shall come to anchor as near as may be to the said hospital, which is hereby declared to be the anchoring place for vessels at quaran-

tine, between the fifteenth day of April and the first day of November, and the remainder of the year off the battery, in the East or North River; that the said Health Officer shall be physician of the said hospital, and the said Commissioners shall in other respects have the superintendence thereof, and employ mates, nurses and attendants therefor, and provide bedding, clothing, fuel, provisions, medicine, and such other matters as shall be requisite therein; and it shall be lawful for them to make reasonable rules and orders for the government and management of the said hospital. And the said Commissioners shall also at all times furnish a convenient boat for the use of the Health Officer with men sufficient to row the same.

21. *And be it further enacted,* That no person unless authorised by the Health Officer or Board of Health, shall go within the inclosure of the quarantine ground: and that every person so transgressing shall be considered guilty of a misdemeanor and fined in a sum not exceeding one hundred dollars, or be imprisoned for a time not exceeding thirty days, by any court having cognizance thereof.

22. *And be it further enacted,* That every diseased person duly landed or sent to the Marine Hospital shall be there kept and maintained until the Health Officer shall grant him or her a discharge in writing: and if before obtaining a discharge as aforesaid any such person shall elope or be absent beyond the time limited and designated as above mentioned, it shall be lawful for the Health Officer, or any constable or other person, whom he shall call to his assistance, and they are hereby enjoined and required to pursue and apprehend the person so eloped or absent, and there again to deliver him or her to be detained until discharged as aforesaid: and any person so eloping or absenting himself or

herself from the Marine Hospital, or any diseased person in the Marine Hospital, refusing or neglecting to obey the directions of the Health Officer and the orders and regulations of the Health Commissioners shall be considered as guilty of a misdemeanor, and as such shall be punishable by any court having cognizance thereof.

23. *And be it further enacted,* That colours designating a vessel subject to quarantine, shall be fixed in the main shrouds, half way between the main deck and the topmast of such vessel, and there remain until the expiration of her quarantine, and that if the master or commander of any such vessel shall not comply with this direction, or if the master or commander of any vessel not subject to quarantine, shall exhibit such signal, or continue such signal after being ordered by the Health Officer to remove it, he shall forfeit for every such offence the sum of fifty dollars, and the further sum of three dollars for every hour he shall so offend, to be recovered by the Health Commissioners with costs in any action of debt in their own names in any court having cognizance thereof.

24. *And be it further enacted,* That upon complaint being made in writing by one or more of the Health Commissioners to the wardens of the port of New-York, charging any pilot with neglect or violation of any of the duties herein prescribed or enjoined upon him, it shall be the duty of the said wardens of the port forthwith to suspend such pilot from piloting any vessel until he shall have entered into recognisance, before one of the justices of the peace for the city and county of New-York, in the sum of two hundred dollars with sufficient sureties to answer to the offence wherewith he is charged at the next general sessions

of the peace, to be held in the city and county of New-York, which offence the said court is hereby authorized to try and determine and to impose such fine as they may deem proper not exceeding the sum of two hundred dollars, and it shall be the duty of every pilot, who shall conduct any vessel subject to quarantine into the port of New-York, to bring said vessel to anchor within the buoys marking the quarantine anchorage, and every pilot neglecting or refusing to perform any duties required of him by this act, or permitting any vessel or boat to come along side of such vessel, which such pilot shall have the direction of, or permitting any thing to be thrown into such vessel or boat, shall in addition to the above penalties forfeit for every such offence the sum of twenty-five dollars, to be recovered by the Health Commissioners with costs in an action of debt in their own names in any court having cognizance thereof.

25. *And be it further enacted,* That it shall be lawful for the Health Officer whenever he shall judge it necessary to prevent infection, to cause any bedding or clothing arriving in a vessel subject to quarantine to be destroyed, and it also shall be lawful for the Board of Health in said city whenever they or a majority of them shall judge it necessary to cause any cargo or part of a cargo that may be putrid or in their opinion dangerous to the health of said city to be in like manner destroyed.

26. *And be it further enacted,* That the said Commissioners or either of them are hereby authorized and required to demand and receive, and in case of neglect or refusal, to sue for and recover in their own names or in the names of either of them with cost of suit from the captain or commander of every vessel, which shall hereafter enter the port of New-

York from any foreign port, the following sums of money, to wit; for each captain or commander or cabin passenger one dollar and fifty cents, for each steerage passenger, mate, sailor or mariner one dollar, and from each master, mate, sailor, or mariner of every coasting vessel, which shall hereafter enter the said port twenty-five cents, which several sums shall be demandable of the captain or commander of every such vessel, and on payment thereof, every such captain or commander shall and may lawfully demand and receive from every such person on whose account respectively the same shall have been paid, the monies so paid, and the said monies so to be received by the said Commissioners or either of them shall be appropriated to the use of the said Marine Hospital deducting therefrom the sum of two and an half per cent, which they are hereby authorized to retain as a compensation for collecting the same; Provided, that the coasting vessels coming from the states of New-Jersey, Connecticut and Rhode-Island, shall not pay oftener than once in each month.

27. *And be it further enacted,* That the compensation of the resident physician, and of the other Commissioners other than the Health Officer, shall be to each of them one thousand dollars per annum, to be paid out of the monies by this act appropriated for the use of the said Marine Hospital, and that the Health Officer shall be entitled to receive as physician to the said hospital the sum of four hundred and fifty dollars per annum, to be paid as aforesaid, and also for his services in searching and examining vessels from foreign ports in pursuance of this act, the sum of six dollars and fifty cents for each vessel so by him examined, to be paid by the master or commander of the same, and

the Health Officer shall also be entitled to receive from the master or commander of every vessel arriving in the port of New-York from any port, island or other place in the United States, south of Cape Henry, between the thirty-first day of May to the first day of October in any year the sum of three dollars for each vessel above one hundred and sixty tons, the sum of two dollars for each vessel not exceeding one hundred and sixty tons nor less than one hundred tons, and the sum of one dollar for each vessel below one hundred tons so visited by him. And further it shall be lawful for the Health Officer to appoint an assistant, who may perform all the duties required of said Health Officer, but for whose conduct he shall be responsible, and such assistant shall take an oath well and faithfully to execute the duties of his said office.

28. *And be it further enacted,* That it shall be the duty of the said Commissioners to account annually to the comptroller for all monies received by them for the use of the Marine Hospital and if the same shall in any one year be more than sufficient to defray the expense of executing the trust committed to them, exclusive of such expenses as are to be borne and paid as a part of the contingent charges of the city of New-York, and including the annual compensations herein before granted to the said Commissioners, then and in such case the Health Commissioners shall invest it in such stock of the United States or other securities as the governor of this state may direct, the interest of which the said Commissioners may receive for the use of the Marine Hospital; but the said stock or securities shall not be disposed of unless the receipts should at any time be insufficient for the purposes of the said Marine Hospital,

when it shall be lawful for the person administering the government of this state upon the application of the said Commissioners to direct them to dispose of as much thereof as will pay such deficit. And further that whenever a competent sum shall have been accumulated from the surplusses of several years, sufficient to commence the building of stone or brick hospitals in the place of the present wooden ones, then on application by the Health Commissioners to the governor of this state he may direct said Commissioners to dispose of said stock or securities for such purpose.

29. *And be it further enacted,* That no salted provisions shall be packed or repacked at any season of the year in that part of the city of New-York lying to the southward of a line drawn from the outlet of Lisenard's meadow, and thence following the course of the canal until it intersects Grand-street, and thence through Grand-street to where it intersects Walnut-street, and then down Walnut-street to the East-River, and that from the first day of May to the first day of October in any year, no salted or pickled beef or fish in barrels or in half barrels, except smoked beef and fish, shall be deposited in the above limits, and all such articles together with hides and cotton that may have been deposited in said city south of said line, prior to the 1st day of May, and shall there remain on the 1st day of June, shall be reported by the owner or person having charge of the same, to the Board of Health, that they have the same examined from time to time and removed, if in their opinion it be necessary, to prevent any evil which may arise therefrom, excepting such provisions as shall be exposed for sale by butchers in the public markets or shall be kept by the heads of families for the use of their respective families, and that every person

offending in the premises, shall be considered guilty of a misdemeanor, and upon conviction thereof shall be fined for each offence in a sum not exceeding five hundred dollars, or be imprisoned for a time not exceeding six months by any court having cognizance thereof.

30. *And be it further enacted,* That it shall be in the power of the mayor of the said city, or of the Board of Health to order to the quarantine ground or some other place of safety any vessel or vessels at the wharves or in the vicinity of the said city, which he or they may deem prejudicial to the public health; and in case any master, owner or consignee of such vessel shall refuse or neglect to obey such order, the person so offending shall be considered guilty of a misdemeanor and shall be fined in a sum not exceeding one thousand dollars, or be imprisoned for a term not exceeding twelve months; and also in case the master, owner or consignee cannot be found, or shall refuse or neglect to obey such orders, the mayor of the city of New-York or the Board of Health shall have power to remove as aforesaid such vessel or vessels, at the expense of the master, owner or consignee.

31. *And be it further enacted,* That nothing in this act shall be construed to interfere with the remedies against nuisances prescribed by the common law.

32. *And be it further enacted,* That all vessels having on board any person infected with any malignant or pestilential fever, or coming from any place whatsoever infected therewith, shall not come into any other of the ports or harbours of this state until they shall have performed quarantine, for such time and in such manner as the persons hereinafter mentioned shall think proper to direct, to wit: for the cities of Albany and Hudson, and upon Hudson River opposite to the said cities, and within one mile above or below the same, the person administering

the government of this state and in his absence from the said cities respectively, the mayor, and in his absence the recorder of the said cities respectively, and for any town in this state bordering or lying upon any port or harbour of this state, and upon the waters opposite to the same towns, any two or more justices of the peace residing therein; and if any person subject to quarantine as aforesaid shall violate any of the regulations to be prescribed respecting the same as aforesaid, he shall be considered guilty of a misdemeanor, and shall be fined by any court having cognizance thereof, in a sum not exceeding five hundred dollars.

33. *And be it further enacted*, That it shall be lawful for the said persons hereby authorised to execute this act, in the cities of Albany and Hudson, and for any two or more justices of the peace in any town in this state, to take effectual measures to prevent the introduction and spreading of any infectious distemper into any part of this state; and for that purpose to stop, detain and examine any person coming from any place infected with any such malignant or pestilential fever, and if there shall be good cause to suspect any person to be infected therewith, it shall be lawful for the several persons aforesaid to cause every such person, not being an inhabitant thereof, to be sent out of this state, or kept in such place as will not expose the inhabitants of the same to take such distemper. And further to appoint and authorise such and so many persons to aid in the execution of their powers aforesaid, as they shall respectively deem proper.

34. *And be it further enacted*, That it shall be lawful for the person administering the government of this state by and with the consent of the Council of Appointment, to appoint a physician in each of the

cities of Albany and Hudson, to assist in carrying into effect the provisions contained in two preceding sections of this act, and such physician, who shall examine any vessel coming from a foreign port, shall be entitled to receive from the commander thereof, the sum of seven dollars and fifty cents.

35. *And be it further enacted,* That all fines and penalties imposed by this act, shall and may be sued for and recovered by the Health Commissioners, in their names, or the name of any one of them, and shall be received and applied by them towards defraying the expenses of the Marine Hospital.

36. *And be it further enacted,* That if any person shall be sued for any thing done in pursuance of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence.

37. *And be it further enacted,* That all acts and parts of acts, of the legislature of this state, inconsistent with the provisions contained in this act, or which come within the purview thereof, be and the same are hereby repealed.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE, }

I CERTIFY the preceding to be a true copy of a certain original act of the Legislature of this state, now on file in this office, at the city of Albany, the 10th day of April, 1813.

ARCHIBALD CAMPBELL,

Deputy Secretary.

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